

REMARKS

Claims 1 to 52 were pending in the application at the time of final examination. Claims 1, 3 to 7, 9 to 12, 14, 16 to 20, 22 to 25, 27, 29 to 33, 35 to 38, 40, 42 to 46, and 48 to 51 remain rejected as anticipated. Claims 2, 8, 13, 15, 21, 26, 28, 34, 39, 41, 47 and 52 remain rejected as obvious.

Claims 1, 14, 27 and 40 have been amended for consistency and clarity. The amendments are supported at least by the original claims. Claims 6, 19, 32 and 45 are amended for consistency with the corresponding independent claim from which each depends

Claims 7, 20, 33 and 46 have been amended for consistency and clarity. The amendments are supported at least by the original claims. Claims 13, 26, 39 and 52 are amended for consistency with the corresponding independent claim from which each depends.

Claims 1, 3 to 7, 9 to 12, 14, 16 to 20, 22 to 25, 27, 29 to 33, 35 to 38, 40, 42 to 46, and 48 to 51 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,694,435 hereinafter referred to as Kiddy.

Applicant respectfully traverses the anticipation rejection of each of Claims 1, 14, 27, and 40. Applicant respectfully notes that the operations relied upon in the rejection are used in generating the obfuscated instruction stream and not executing the obfuscated instruction stream. Further, Fig. 10 of Kiddy indicates that the combining is done on a machine that is different from the executing and so fails to teach either that the cited combining operations are performed during execution of the combined stream or that that the combining operations are performed on the device that does the executing. Accordingly, Kiddy fails to teach exactly the same invention in the same level of detail as recited in Claims 1, 14, 27 and 40. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 1, 14, 27, and 40.

Applicant respectfully traverses the anticipation rejection of each of Claims 3 to 6, 16 to 19, 29 to 32, and 42 to 45. Each of these claims distinguishes over Kiddy at least for the same reasons as the independent claim from which it depends. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 3 to 6, 16 to 19, 29 to 32, and 42 to 45.

Applicant respectfully traverses the anticipation rejection of each of Claims 7, 20, 33 and 46. The advisory action has still failed to cite any teaching of a permutation on a specific instruction or a permutation specific program data in the important stream of Kiddy as recited in these claims.

The rejection has cited no teaching that application program data is interspersed with application program instructions from an application program. Rather, Kiddy taught that blocks of one unimportant stream are interspersed with parts of the application program from which results are wanted. The obfuscation is obtained by using the unimportant stream and not by an action on the application program represented by the first stream. Transformation may be done to the unimportant stream so that its execution does not affect the execution of the important stream as illustrated in Fig 7 and the cited portion of Col. 6. This is not a transformation of the application program, but instead of the unimportant code whose function is to obscure the important instruction stream. According to Kiddy, the purpose is to obfuscate the application by including code that basically does nothing and so does not affect the execution of the code that provides the service. Thus, Kiddy teaches away from operating on the code itself that provides the service upon execution to obfuscation the program application.

Therefore, Kiddy fails to teach the processes of these claims in the same level of detail as recited in these claims. By teaching operations on other than the application program, Kiddy fails to teach or suggest

anything about modifying parts of the application program itself using the permutations recited in these claims. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 7, 20, 33 and 46.

Applicant respectfully traverses the anticipation rejection of each of Claims 9 to 12, 22 to 25, 35 to 38, and 48 to 51. Each of these claims distinguishes over Kiddy at least for the same reasons as the independent claim from which it depends. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 9 to 12, 22 to 25, 35 to 38, and 48 to 51.

§ 103 Rejections

Claims 2, 8, 13, 15, 21, 26, 28, 34, 39, 41, 47 and 52 stand rejected under 35 U.S.C. 103(a). Assuming that the combination of references is correct for each of these claims, the additional material relied upon from the secondary reference does not correct the deficiencies of Kiddy with respect to the independent claims from which these claims depend. Therefore, each of Claims 2, 8, 13, 15, 21, 26, 28, 34, 39, 41, 47 and 52 distinguish over the combination of references for at least the same reasons as the independent claims. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 2, 8, 13, 15, 21, 26, 28, 34, 39, 41, 47 and 52.

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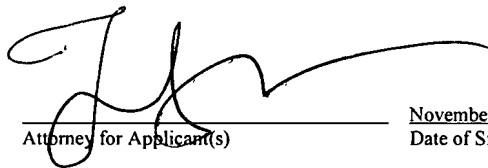
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Claims 1 to 52 remain in the application. Claims 1, 6, 7, 13, 14, 19, 20, 26, 27, 32, 33, 39, 40, 45, 46 and 52 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

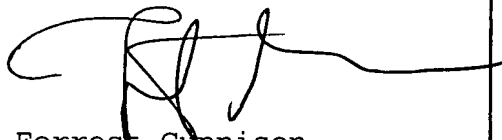
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 9, 2007.



Attorney for Applicant(s)

November 9, 2007
Date of Signature

Respectfully submitted,



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